

FILED

NOV 14 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA, } No.CR11-0709-DLJ
18 Plaintiff, }
19 v. } STIPULATION AND [PROPOSED]
20 JOSHUA MOORE AND } ORDER EXCLUDING TIME
21 CALA REMICK, }
22 Defendants. } SAN JOSE VENUE

23 On October 25, 2011, parties appeared before the court for the first Status Hearing in this
24 matter. At that time the court continued the case until November 15, 2011 so that the discovery
25 process could be commenced and counsel would have sufficient time to review the materials
26 and confer with their clients. However, the court will be unavailable, in trial, on November 15.
27 Moreover, discovery is still not complete and other non-severed co-defendants have yet to be
28 joined, inasmuch as they have been in the process being written, with due diligence, from state
facilities and have yet to appear before the District Court. The parties therefore hereby stipulate
and agree to continue the matter until November 29, 2011, and to exclusions of time under the

1 Speedy Trial Act, and that said exclusions of time are appropriate based on the defendant's need
2 for effective preparation of counsel.
3

4 SO STIPULATED:

MELINDA HAAG
United States Attorney

6 DATED: November 14, 2011

/s/
THOMAS M. O'CONNELL
Assistant United States Attorney

9 DATED: November 14, 2011

/s/
VICKI YOUNG
Counsel for Remick

11 DATED: November 14, 2011

/s/
THOMAS FERRITO
Counsel for Moore

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14 Accordingly, for good cause shown, the Court HEREBY ORDERS that the matter is
15 continued until November 29, 2011. The Court further finds that based on the defendant's need
16 for effective preparation of counsel, the ends of justice served by granting the requested
17 continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to
18 grant the requested continuance would deny defense counsel reasonable time necessary for
19 effective preparation, taking into account the exercise of due diligence, and would result in a
20 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
21 under 18 U.S.C. §§ 3161(h)(3)(A), (6) and (7)(B)(iv).

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23 SO ORDERED.

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25 DATED: Nov 14, 2011


D. LOWELL JENSEN
United States District Judge

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